

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

MAILED

DEC 14 2004

PAT & T.M OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte DAIJIRO SASAKI, KINJI MINESHIMA,  
AKIRA NISHIMURA, KOJI YAMAGIWA,  
TETSUYA HOSHIJIMA, and YOSHIYUKI YOSHII

Application No. 08/799,400

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on November 15, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On April 22, 2004, the examiner mailed an examiner's answer. The examiner's answer is deficient because it does not contain the grounds of rejection, listed in the final rejection mailed June 11, 2003, or the Response to Argument paragraphs. Also, there is no clear indication that an appeal conference was held

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because the examiner's answer contains only the typed names of the conferees. No signature or initialing by the conferees is present. The Manual of Patent Examining Procedures (MPEP) § 1208 states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

Upon receipt of the appeal case by the Board of Patent Appeals and Interferences (Board), the Board should review the application prior to assigning an appeal number to determine whether an appeal conference has been held.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) action on the above noted deficiency in the examiner's answer by submitting a new examiner's answer; 2) notifying the appellant, in writing, that the appeal conference was held; and 3) for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e. abandonment, issue, reopening prosecution).

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